

rant, Ford, Guinn, Haskell, Jowers, Moore of Bastrop, Montague, Parsons, Peck, Selman, Weatherford, and Wootten—16.

Nays—Messrs. Cooley, Harcourt, Hartley, Hord, Jordan, Kinsey, Knox, Lea, Magoffin, Throckmorton, and White—11.

A bill appropriating money to pay the contingent expenses of this Extra Session of the 10th Legislature. Read 2nd time. Mr. Ford moved to insert "in Confederate money." Carried. The bill then passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A House bill to provide for the liquidation of claims against the State when there is a deficiency of funds in the Treasury was read 1st time. Rule suspended. Read 2nd time. Mr. Throckmorton offered a substitute. Mr. Guinn moved to amend the substitute by striking out all of 3rd section after the words "new issue." On Mr. Dickson's motion the Senate resolved itself into Committee of the Whole, Mr. Jowers in the chair. After some time spent therein the Committee rose and reported the substitute recommending its adoption and asked to be discharged. The report was adopted and thereupon the bill and substitute were referred to Finance Committee with instructions to report on Monday morning next, also to frame a bill if in their judgment they had the power to originate such a measure in the Senate, providing for the issuance of the bonds contemplated by the subject matter referred.

Mr. Moore of Davis moved to reconsider a vote adopting the report of the Committee on State Affairs indefinitely postponing a bill to protect the rights of the people of Texas.

The Senate then adjourned until 8 o'clock A.M. Monday next.

Monday, May 23, 1864
8 o'clock A.M.

Senate met. Prayer by the Chaplain, roll called, quorum present. The Journal of Saturday was read and adopted.

Mr. Harcourt, Chairman of Judiciary Committee, made the following report:

The Judiciary Committee have duly considered the petition of Lydia Davis of Angelina County asking to be divorced by legislative enactment from her husband, Westly

Davis. It is urged by Petitioner that her husband is a very brutal and bad man, and that she has been separated from him for four years, but she complains that she cannot obtain a divorce in the District Court, because of the unsettled condition of the country, and the [complete?] suspension of all legal proceedings in said courts.

However much we may feel disposed to sympathize with the hard lot of Petitioner, we must remind her that there is an prohibition in the 18th section of Article 7 of the State Constitution against the relief sought.

I am directed by the Committee to return the petition to the Senate and ask to be discharged from its further consideration.

John T. Harcourt, Chairman³

[Harcourt] also reported that the proposed legislation in a bill to authorize administrators and guardians to fund or exchange the Confederate money in their hands is unnecessary and inexpedient and recommending its indefinite postponement.

Joint resolution relative to the conduct of Army officers was reported as correctly engrossed.

A bill to amend Article 527 of the Code of Criminal Procedure. Read 2nd time. Mr. Hartley moved to strike from 1st Section "Judicial District" and insert "County." Adopted. Mr. Hartley then moved to strike out 3rd clause. Adopted. Mr. Hartley then moved to insert after "defen-

³The petition of Lydia Davis is as follows:

To the Honorable Senate and House of Representatives in general assembly convened at the City of Austin, Texas:

The petition of Lydia Davis, a citizen of Angelina County in said State of Texas, would with respect represent unto your Honorable Body, that in 1859 she was lawfully married to one Westly Davis then of said county of Angelina, and continued to live with him as his wife for about four months, when his **brutal, ungentlemanly, and dissipated conduct** compelled her in self defense to finally separate herself from him forever.

And she the said Lydia now requests that she and the said Westly Davis has been separate for about four years; and cannot ever again live together as man and wife; and she the said petitioner would further represent that the unsettled condition of the country and the uncertain sittings of our courts, has up to this time prevented her being able to obtain a final divorce from the said Davis. Petitioner asks that her marriage with said Davis was a youthful indiscretion, being one persuaded by pretended friends; and that your Honorable Body on due consideration of the premises will award petitioner a final divorce from said Davis, and as in duty bound petitioner will ever pray.

Lydia Davis

May 12, 1864

dant" the word "District Attorney." Adopted and bill ordered to be engrossed.

The Committee on Enrolled Bills made the following report:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills has examined and find correctly enrolled the following bills, viz,

An act to reorganize the 17th Judicial District and to prescribe the time for holding courts therein;

An act to amend an act entitled an act to amend an act entitled an act to organize county courts approved February 16th, 1862;

An act to amend the 1st and 2nd sections of an act to incorporate the Rusk County Iron Company, approved December 15, 1863;

An act to incorporate the Cherokee Furnace Company.

The same being signed by the Speaker of the House of Representatives and President of the Senate were this day presented to the Governor for his approval.

D. C. Dickson, Chairman

Mr. Kinsey from Committee on State Affairs made the following report:

Committee Room, State Affairs

May 21st, 1864

To His Excellency F. S. Stockdale, President of the Senate:

The Committee to whom was referred a bill entitled an act to provide for the support of families of soldiers by a tax in kind and an income tax, beg leave to report that they have carefully examined the same and find in it much merit. But in their judgment [it is] too complicated for successful, practical operation. The subject however in their judgment is second in importance to no one of the absorbing questions which now engross the attention of this honorable body, they therefore beg leave to report a substitute simple in its provisions, and referring the whole matter to the County Courts where it properly belongs, with ample powers to enable them to put it into successful execution. The families of our soldiers must be supported and the plan suggested in the substitute the Committee

thinks the surest and most effectual mode of doing it. They therefore recommend its speedy passage.

H. M. Kinsey

One of the Committee

A message from the House announced the passage of the following bills:

A Senate Joint resolution relative to frontier protection.
Joint resolution in regard to conscription.

A bill to provide for the distribution of cloth made at the Texas State Penitentiary.

A bill amending an act authorizing the Comptroller to receive from railroad companies the interest due and to become due on their bonds.

A bill to provide for the probate of wills in certain cases.

A bill for the relief of Robert Pulsford.

A bill to authorize the County Court of Hunt County to examine and if necessary correct the assessment rolls for 1864.

Senate joint resolution in relation to the conduct of Army officers, with amendments, was concurred in.

A bill to amend Articles 819 and 820 of the Penal Code. Read 2nd time and ordered to be engrossed.

Mr. Lea, Chairman of the Committee on Finance, made the following report:

May 23, 1863

To the Honorable F. S. Stockdale, President of the Senate:⁴

The Committee on Finance, to which was referred a House bill to be entitled an act to provide for the liquidation of claims against the State when there is a deficiency of funds in the Treasury, and a substitute therefore as adopted by the Senate, with instructions to report thereon this morning by proper drafts for bills, has considered the

⁴The following report was found filed with the report of the Finance Committee. Since no logical place for it has been found in the Journal, it is inserted here:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills has examined and find correctly enrolled the following bill, viz., an act making an appropriation to defray the contingent expenses of the Extra Session of the 10th Legislature. The same being signed by the Speaker of the House of Representatives and President of the Senate was this day presented to the Governor for his approval.

D. C. Dickson

subjects and now reports the House bill and the adopted substitute, with such drafts for bills as the Committee considers to be conformable to the instructions, and with drafts for other bills, respectfully submitted for consideration in connection with the general subject. The limited time allowed to the Committee precludes it from presenting a written exposition of its views of the subjects, except as indicated by the drafts herewith reported. For any further exhibition of the views of the Committee it must necessarily rely on oral explanations.

Respectfully submitted,
Pryor Lea, Chairman⁵

A bill to regulate the names of liquidating claims for payment under appropriations made by the Legislature.

A bill to suspend the collection of part of the ad valorem tax.

A bill to regulate the disposal of unappropriated specie.

A bill to fix the rate of ad valorem taxation.

A bill to provide for a loan with specific tax.

These bills were severally read and on Mr. Dickson's motion were taken up for consideration and severally read 1st time. The first named bill having been reported as a substitute for the bill referred on Saturday, the question occurred on its adoption which was put and carried. Mr. Hartley offered the following amendment: strike out "new issue" and insert "in such Confederate States notes as the government of the Confederate States recognizes as its currency and received for public dues at its face value." Laid on table.

Mr. Ford moved to strike out in proviso of second section the words "or bank bills at par." After some discussion the amendment was withdrawn.

Mr. Hartley then proposed to amend as follows: after "America" 10th line insert "and as a hospital fund for the soldiers of Texas in the armies of the Confederate States of America." Lost.

Mr. Selman then moved to strike all that part of the bill which provides for funding the Treasury warrant. The yeas and nays being called on its adoption stood,

Yeas—Messrs. Beasley, Hartley, Haskell, Parsons, Peck,

⁵Some of the Journal appears to be missing at this point as the material following does not connect with this report.

Selman, and Weatherford—7.

Nays—Messrs. Burney, Charlton, Cooley, Davis, Dickson, Durant, Ford, Guinn, Harcourt, Jordan, Jowers, Kinsey, Knox, Lea, Magoffin, Montague, Quayle, and Throckmorton—18.

Mr. Parsons then offered the following amendment: in 2nd section strike out the words "Those specified in the 1st section and." The yeas and nays stood:

Yeas—Messrs. Beasley, Selman, Parsons, and Weatherford.

Nays—Messrs. Burney, Charlton, Cooley, Davis, Dickson, Durant, Ford, Guinn, Harcourt, Hartley, Haskell, Hord, Jordan, Jowers, Kinsey, Knox, Lea, Magoffin, Moore of Davis, Montague, Throckmorton, and White—24.

The yeas and nays were then called on the final passage of the bill and stood thus:

Yeas—Messrs. Charlton, Cooley, Davis, Durant, Ford, Guinn, Haskell, Hord, Jordan, Jowers, Knox, Lea, Magoffin, Montague, and Throckmorton—15.

Nays—Messrs. Beasley, Burney, Harcourt, Hartley, Kinsey, Moore of Davis, Parsons, Peck, Selman, Weatherford, and White—11.

A bill to suspend the collection of part of the ad valorem tax. A bill to fix the rate of ad valorem taxation and a bill to provide a loan with specific tax were by leave withdrawn by the Chairman of Finance Committee.

A bill to regulate the disposal of unappropriated specie. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to repeal the 1st section of an act to provide for the sale of the public domain with report of Committee on Public Lands recommending its indefinite postponement. Read 2nd time. The report was laid on table. Mr. Harcourt then moved to lay the bill on the table. Carried.

A bill to provide for regulating the finances of the State. Read 1st time. Rule suspended. Read 2nd time and referred to Committee on Finance.

Mr. Hartley introduced a bill setting apart the possessors of land scrip received by Committee of General Land Office during the present war for the benefit of citizens of this state who have participated in the war. Read 1st and 2nd times and referred on Mr. Throckmorton's motion to Mr. Hartley as a select Committee of One.

Mr. White introduced a bill to incorporate the Guadalupe Manufacturing Company. Read 1st and 2nd times and referred to Committee on State Affairs.

Joint Resolution in relation to impressments read 2nd time. The substitute of Committee on State Affairs was adopted.

The Senate then adjourned until half past 3 o'clock P.M.

$\frac{1}{3}$ past 3 o'clock P.M.

Senate met, roll called, quorum present.

The joint resolution in relation to impressments being before the Senate, Mr. Hord moved to strike out 6th resolution. Carried.

Mr. Parsons offered the following amendment:

Resolved, That it is not the intention of this Legislature by the passage of these resolutions, to object to the impressment of provisions and property for the benefit and support of the Army of the Confederate States, when such impressment is made by some officer or person having authority to make such impressment. Our intention in the passage of the same is to impress upon the Confederate authorities the necessity of providing for the punishment of persons impressing property without proper orders authorizing them so to do. Laid on the table.

Mr. Lea moved to strike out so much of the 7th resolution as authorizes the Governor to do what he thinks proper to remedy the injustice set forth in the resolutions. Carried.

Mr. Harcourt offered the following amendment to come in as the 6th resolution: "That in some sections of our country there is a great scarcity of breadstuffs and other family necessities and where efforts have been made to transport such articles to supply such needful wants of our people the teams and supplies have been unwarrantably impressed. This practice should be forbidden by positive law or an imperative order from officers having the authority to correct the evil." Adopted. The resolutions were then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Joint resolution requesting the return of the 1st, 4th, and 5th Texas Regiments with report of Committee recommending indefinite postponement. Read 2nd time. Report laid on table.

Mr. Durant offered the following amendment: In the

preamble add "and the old Terry regiment and all other Texas regiments." In the third resolution add the names of General M. D. Ector and General L. S. Ross and Colonel Thomas Harrison after General John Gregg." Mr. Selman moved as an amendment to add Captain Douglas' Battery after Terry's Regiment. Mr. Burney moved to add "General H. B. Granbury." Amendment accepted by Mr. Durrant and his amendment adopted. Referred to Committee on Military Affairs.

The report of Finance Committee adversely to the petition of the Chief Justice of Tarrant County was adopted.

Mr. Hord introduced Joint Resolution of thanks to Colonel Santos Benavides. Read 1st time. [Read 2nd time.] Rule suspended. Read 3rd time and passed.

The report of Finance Committee on a bill to regulate State finances asking to be discharged was read. The report and bill was laid on table for the present.

A bill to repeal an act prohibiting owners or employers of slaves from placing them in charge of farms or stock ranches detached or removed from the home or place of residence of the owner or employer, with report of Committee on State Affairs recommending indefinite postponement. Read 2nd time. Report laid on table and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to prevent slaves from exercising ownership over property. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill to amend the law suspending the laws for the collection of debts with report of Judiciary Committee recommending that it do not pass. Read 2nd time. The Senate then adjourned until 8 o'clock A.M. tomorrow.

Tuesday, May 24, 1864

Senate met, prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee, recommended on behalf of the majority the passage of a bill to reattach Van Zandt County to the 9th Judicial District and to fix the time of holding courts therein.

Mr. Davis from Committee on State Affairs reported a substitute for a bill to incorporate the Guadalupe Manufacturing Company. .